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I hereby certify that on 9/10/03, this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to 703-872-9306 to: Mail Stop Petition, Commissioner of Patents, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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*Maria Nadal*

Maria Nadal

PATENT

Inventor: Campbell et al.  
Serial No.: 09/820,441  
Filing Date: March 28, 2001  
Title: **Thermography Catheter**  
Examiner: C. Marmor II  
Group Art Unit: 3736  
Atty Docket No.: 14351-0303 (formerly 21120-0303)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**FOR FAILURE TO RECEIVE AN OFFICE ACTION**

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RECEIVED  
SEP 17 2003  
TECHNOLOGY CENTER R3700

The above application was filed on March 28, 2001, by the law firm of Beyer & Weaver in Berkeley, California. The application file was subsequently transferred and a revocation of power of attorney and new power of attorney filed December 21, 2001, by the law firm of Oppenheimer, Wolff & Donnelly indicating the address of the new firm.

A status inquiry was filed on February 26, 2003, because there had been no communication from the PTO received at that time. A copy of the docket report for February 18, 2003, is attached in accordance with MPEP 711.03(c). On March 7, 2003, a status inquiry reply was received indicating that the application was waiting for Applicants' response to an Office Action mailed November 18, 2002. As the Office Action had not yet been received, a telephone call was ultimately made to customer service at the PTO by Ms. Nadal, assistant to the undersigned.

Ms. Nadal spoke to Ms. Trudy Mitchell in Customer Service, and was informed that the attorney of record listed for the above matter was a Mr. James Breuggeman, of the law firm of Sheppard Mullen, in Los Angeles, California. Ms. Mitchell informed Ms. Nadal that a correction would be made and the Office Action resubmitted to Applicants. On May 21, 2003, a follow up

telephone call to Mr. Larry Schwartz in Customer Service confirmed that the address/attorney of record change had been made, but the Office Action referred to in the status inquiry reply still had not been received.

On June 1, 2003, the file was transferred to the law firm of Stradling Yocca Carlson & Rauth, in Newport Beach, California, with a change of address being filed with the PTO on July 15, 2003. On August 21, 2003, a Notice of Abandonment was received which had been mailed to Oppenheimer Wolff & Donnelly on July 1, 2003. A copy of the revocation and new power of attorney, status inquiry, status inquiry reply, and telephone conversation records are attached for review.

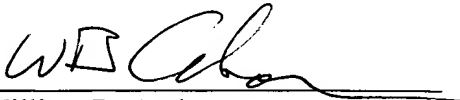
Applicants feel that a reasonable and diligent effort has been made with regard to inquiry as to the status of the application and that the application has gone abandoned through no fault of Applicants'. As such, Applicants respectfully request that the Commissioner withdraw the holding of abandonment, reissue the Office Action of November 18, 2002, resetting the time for reply and add the period of delay to the term of the patent at time of issuance.

In the alternative, if the Commissioner does not feel that a withdrawal of holding of abandonment is warranted, Applicants' hereby petition to revive the application under 37 C.F.R. section 1.137b. Applicants state that the entire delay from the due date for response to the Office Action until the filing of a grantable petition to revive the application was unintentional.

The Commissioner is authorized to charge any fees required in connection with this petition and the application above to Deposit Account No. 50-1329.

Respectfully submitted,

Dated: 9-10-03

  
William B. Anderson  
Registration No. 41,585

STRADLING YOCCA CARLSON & RAUTH  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660  
Telephone: 949.725-4000  
Facsimile: 949.725-4100

Customer Number: 31,278

# Country Application

Wednesday, September 10, 2003

Client Matter No.: 14351/21120-0303

Country: US

SubCase:

Client: Volcano Therapeutics, Inc.

United States of America

Case Type: CIP

Application Status: Pending

Application Number: 09/820,441

Filing Date: 28-Mar-2001

Patent Number:

Issue Date:

Publication Number: 0077564-A1

Publication Date: 20-Jun-2002

Priority Number:

Priority Date:

Tax Schedule: LE

Expiration Date:

Tax Start Date:

Agent:

Agent Reference No.:

## List Of Actions

Action(s) Due	Due Date		Action Taken
Postcard Rec'd?	28-May-2001	Due Date	28-May-2001
IDS	28-Jun-2001	Due Date	24-Sep-2001
IDS (Inf.Discl.Stmt.) deadline	28-Jun-2001	Due Date	28-Jun-2001
No Assigned Action Type	01-Jul-2001	Due Date	24-Sep-2001
Filing Receipt Rec'd	28-Jul-2001	Due Date	02-May-2002
Notice of Missing Parts Mailin	01-Aug-2001	Due Date	24-Sep-2001
No Assigned Action Type	01-Sep-2001	Due Date	24-Sep-2001
No Assigned Action Type	01-Oct-2001	Due Date	01-Oct-2001
No Assigned Action Type	01-Nov-2001	Due Date	22-Oct-2001
No Assigned Action Type	01-Dec-2001	Due Date	22-Oct-2001
Foreign Filing Rem-3mo	28-Dec-2001	Due Date	10-Jun-2002
Foreign Filing Rem-1mo	28-Feb-2002	Due Date	10-Jun-2002
Assignment Rec Rec'd (Reel/Fra	15-Mar-2002	Due Date	15-Mar-2002
Foreign Filing Deadline	28-Mar-2002	Due Date	10-Jun-2002
No Assigned Action Type	28-Mar-2002	Due Date	06-Mar-2002
No Assigned Action Type	22-Apr-2002	Due Date	25-Oct-2001
18 Month Status Check	28-Sep-2002	Due Date	28-Sep-2002
Int'l Search Report-IDS	28-Oct-2002	Due Date	17-Sep-2002
Status Check	28-Aug-2003	Due Date	

Remarks: Priority

Publication Number: US-2002-0077564-A1

## Country Application

Wednesday, September 10, 2003

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Memo: Action: MISSING PARTS: Due Date: 08/01/2001 Done Date: 09/24/2001  
Remarks: RESP TO MISS PARTS TO PTO 10/22/01

**User ID:** HF03

**Date Created:** 24-Sep-2001

**Last Update:** 16-Apr-2003